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January 12, 2007

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
 United States District Judge
 J. Caleb Boggs Federal Building
 844 N. King Street, Lockbox 18
 Wilmington, DE 19801

**Re: *Biovail v. Andrx Pharmaceuticals LLC et al.*,
 C.A. No. 05-586 (GMS)**

Dear Judge Sleet:

As counsel for Andrx, I am writing on behalf of the parties with respect to the Fifth Revised Scheduling Order, a copy of which is enclosed for Your Honor's consideration. Andrx proposed the schedule change, to which Biovail has agreed, subject to the approval of the Court, because Andrx's lead counsel Steven Maddox, was recently hospitalized, and as a result, discovery that was going to take place now and in the immediate future was delayed. As Your Honor will see, we have moved the discovery cut-off date back approximately one month later than it appeared on the schedule that had been set by Judge Jordan, and moved dates relating to claim construction and dispositive motions back approximately two months. We have not included a specific date for the Markman/summary judgment hearing (which we assume Your Honor will set based on availability on the Court's calendar), and we have not requested a change to the dates for the pretrial conference or the trial. In addition, pursuant to L.R. 16.5, counsel have sent copies of the revised proposed schedule to their respective clients.

Counsel are available at the Court's convenience if Your Honor has any questions about the proposed schedule.

Respectfully submitted,

/s/ Richard L. Horwitz

Richard L. Horwitz

RLH:msb
 772130 / 30015

cc: Clerk of the Court (via Hand Delivery)
 Counsel of Record (via Electronic Mail)